

ADOPTED

MAY 11, 1989

MEMORANDUM

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: LINDA BOURQUE, ASSISTANT DIRECTOR FOR
NEIGHBORHOOD PLANNING AND ZONING
GAY FORBES, DEPUTY DIRECTOR FOR
NEIGHBORHOOD PLANNING AND ZONING
JOSEPH WALLING, ZONING OFFICER

SUBJECT: BOARD OF APPEAL REFERRALS

Recommendations on twenty one zoning petitions have been prepared by Authority staff for transmittal to the Board of Appeal.

<u>Neighborhoods</u>	<u>Approval</u>	<u>Recommendations</u>			<u>Deferral</u>
		<u>Denial</u>	<u>Denial w/o Prejudice</u>		
Allston-Brighton	1				1
Back Bay	1				2
Beacon Hill	1				
Charlestown					
Chinatown					
City Proper					
Dorchester	1	3			2
East Boston					
Fenway		1			
Government Center					
Hyde Park	2				
Jamaica Plain		1			
Kenmore					
Mattapan					
North End					
Roslindale					
Roxbury	1				
South Boston			2		1
South Cove					
South End					
West Roxbury	1				

Allston-Brighton

Approval Z-12717. 39-41 Brackett Street, day care center.

Deferral Z-12692. 114 Western Avenue, addition.

Back Bay

Approval Z-12575. 138 Newbury Street, outdoor sale and display of flowers.

Deferral Z-12754. 284 Newbury Street, offices, restaurant, addition.

Deferral Z-12744. 186 Marlborough Street, nine apartments.

Beacon Hill

Approval Z-12698. 8 Louisburg Square, addition.

Dorchester

Approval Z-12639. 89 Olney Street, basement recreational space.

Deferral Z-12723. 53 Roseclair Street, rear deck.

Denial Z-12731. 23 Dix Street, two to eight apartments.

Denial Z-12728. 165 Milton Avenue, two to three family dwelling.

Deferral Z-12751. 27 Bushnell Street, one to two family dwelling.

Denial Z-12809. 27 Granville Street, one to two family dwelling.

Fenway

Denial Z-12725. 153-157A Massachusetts Avenue, take-out restaurant.

Hyde Park

Approval Z-12724. 1283 Hyde Park Avenue, retail store.

Approval Z-12253. 823 River St. Day care center.

Jamaica Plain

Denial Z-12734. 19-21 Rossmore Road, ancillary egress.

Roxbury

Approval Z-12713. 7 Blue Hill Avenue, three retail stores.

South Boston

Deferral Z-12709. 411 East Third Street, legalize two family dwelling.

Denial without Prejudice Z-12722. 225-229 Gold Street, three family dwelling.

Denial without Prejudice Z-12735. 35 Woodward Street, six apartments.

West Roxbury

Approval Z-12733. 101 Greeton Road, interior renovation.

BOARD OF APPEAL REFERRALS

May 11, 1989

Hearing

- | | | | |
|-----|---------|---------|--|
| 1. | Z-12575 | 5/23/89 | Pronuptia Bridal, Inc.
138 Newbury Street, Boston |
| 2. | Z-12639 | 5/30/89 | Rawami Moses
84 Olney Street, Dorchester |
| 3. | Z-12692 | 5/23/89 | WGBH Educational Foundation
114 Western Avenue, Allston |
| 4. | Z-12698 | 5/23/89 | William Yates
8 Louisburg Square, Boston |
| 5. | Z-12709 | 5/23/89 | Joseph Grigalus
411 East Third Street, South Boston |
| 6. | Z-12713 | 5/30/89 | Winnifred A. Frazer
7 Blue Hill Avenue, Roxbury |
| 7. | Z-12717 | 5/30/89 | Linda Arseneau
39-41 Brackett Street, Brighton |
| 8. | Z-12722 | 5/30/89 | Dennis J. Murphy
225-229 Gold Street, South Boston |
| 9. | Z-12723 | 5/30/89 | Patricia E. McBride
53 Roseclair Street, Dorchester |
| 10. | Z-12724 | 5/30/89 | David Burns
1283 Hyde Park Avenue, Hyde Park |
| 11. | Z-12725 | 5/30/89 | Arnold Mason
153-157A Massachusetts Avenue, Boston |
| 12. | Z-12728 | 5/30/89 | Gadys Pierre
165 Milton Avenue, Dorchester |
| 13. | Z-12731 | 5/30/89 | Arthur Murphy
23 Dix Street, Dorchester |
| 14. | Z-12733 | 5/30/89 | James Goldstein
101 Greateon Road, Roxbury |
| 15. | Z-12734 | 5/23/89 | Peter Janis
19-21 Rossmore Road, Jamaica Plain |
| 16. | Z-12735 | 5/30/89 | Sean F. Hughes
35 Woodward Street, South Boston |
| 17. | Z-12744 | 5/30/89 | Boston Aging Concerns
186 Marlborough Street, Boston |

BOARD OF APPEAL REFERRALS

May 11, 1989

Hearing

- | | | | |
|-----|---------|---------|---|
| 18. | Z-12751 | 5/30/89 | Robert Nestor
27 Bushnell Street, Dorchester |
| 19. | Z-12754 | 5/30/89 | 284 Newbury Inc.
284 Newbury Street, Boston |
| 20. | Z-12809 | 5/23/89 | John Rae et al
27 Granville Street, Dorchester |
| 21. | Z-12253 | 5/16/89 | Roger & Josette Bousseau
823 River Street, Hyde Park |

Board of Appeal Referrals

5/11/89

Hearing: 5/23/89 Z-12575
Pronuptia Bridal, Inc.
138 Newbury Street
Boston

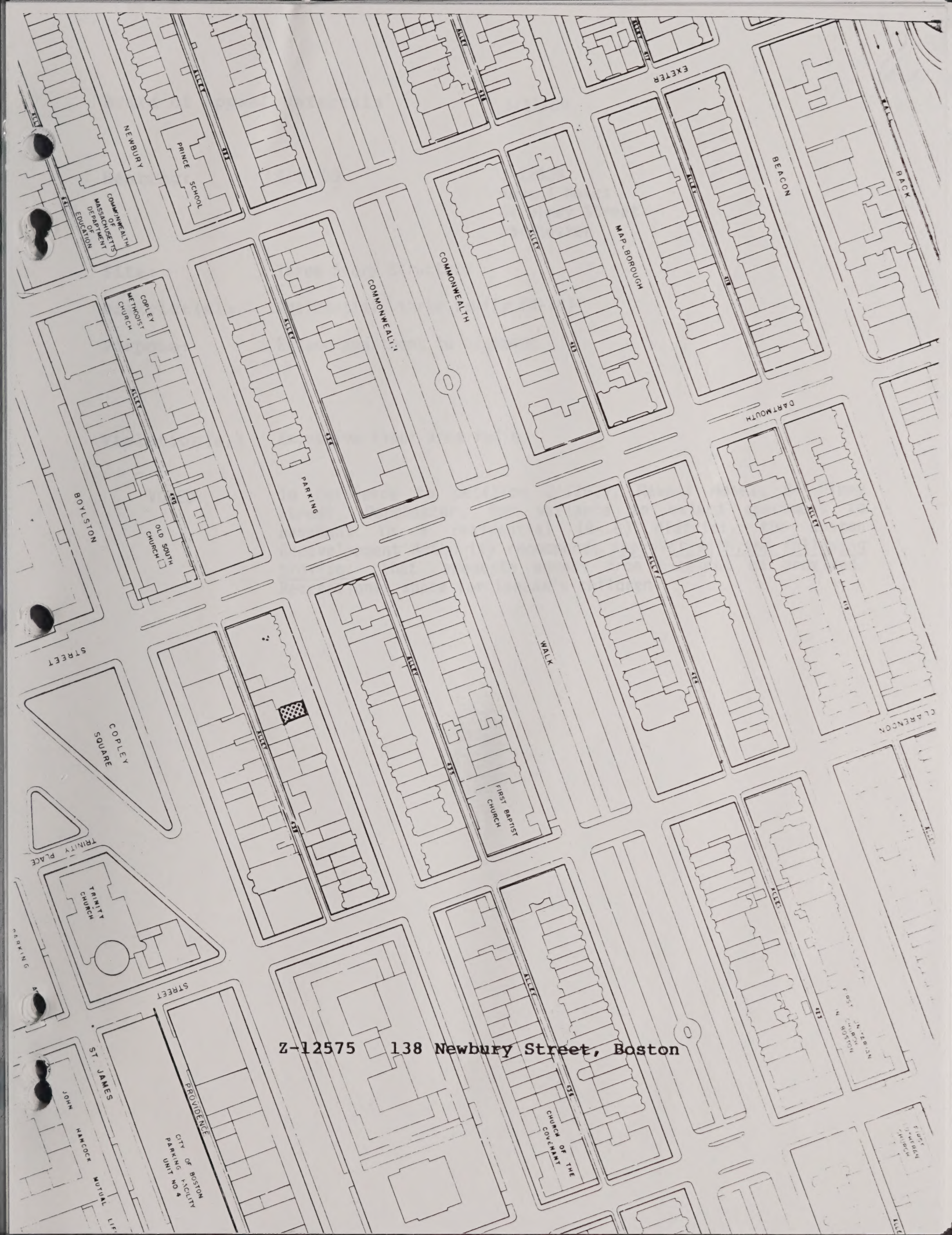
Site: Four-story structure

District(s): General business (B-2-65)

Purpose: Use premises for outdoor sale and display of flowers and plants.

Violation(s): Outdoor display and sale of flowers is conditional use.

VOTED: In reference to petition Z-12575, Pronuptia Bridal, Inc., 138 Newbury Street, Boston, for conditional use for use of premises for display and sale of flowers and plants in a general business (B-3-65) district, the Boston Redevelopment Authority recommends approval with the following provisos: that use extend to appellant only; that use expire after one year; that stand and related display materials be removed each night; that the use be confined within the appellant's property to preclude interference with pedestrian and or any other traffic; that purchases be made inside the retail store. The specific site in question is an appropriate location for such use in that the sidewalk is unusually wide and a display of flowers and plants can be operated without causing a hazard or nuisance to pedestrians or vehicles and will add to and not diminish the esthetics of the neighborhood. Further, this would not set a precedent in that there are several outdoor displays of plants and flowers along Newbury Street and in the Back Bay. The Neighborhood Association of the Back Bay feels that the outdoor display of flowers is a traditional streetscape activity and is not opposed to this petition. The Back Bay Association and the Newbury Street League are opposed to the outdoor display and sale of retail goods on Newbury Street and are opposed to this petition. The Back Bay Architectural Commission has reviewed the appellants proposal and determined that their design review would not be necessary in regards to this matter.



Z-12575 138 Newbury Street, Boston

Board of Appeal Referrals

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Hearing: 5/30/89 Z-12639
Rawani Moses
84 Olney Street
Dorchester

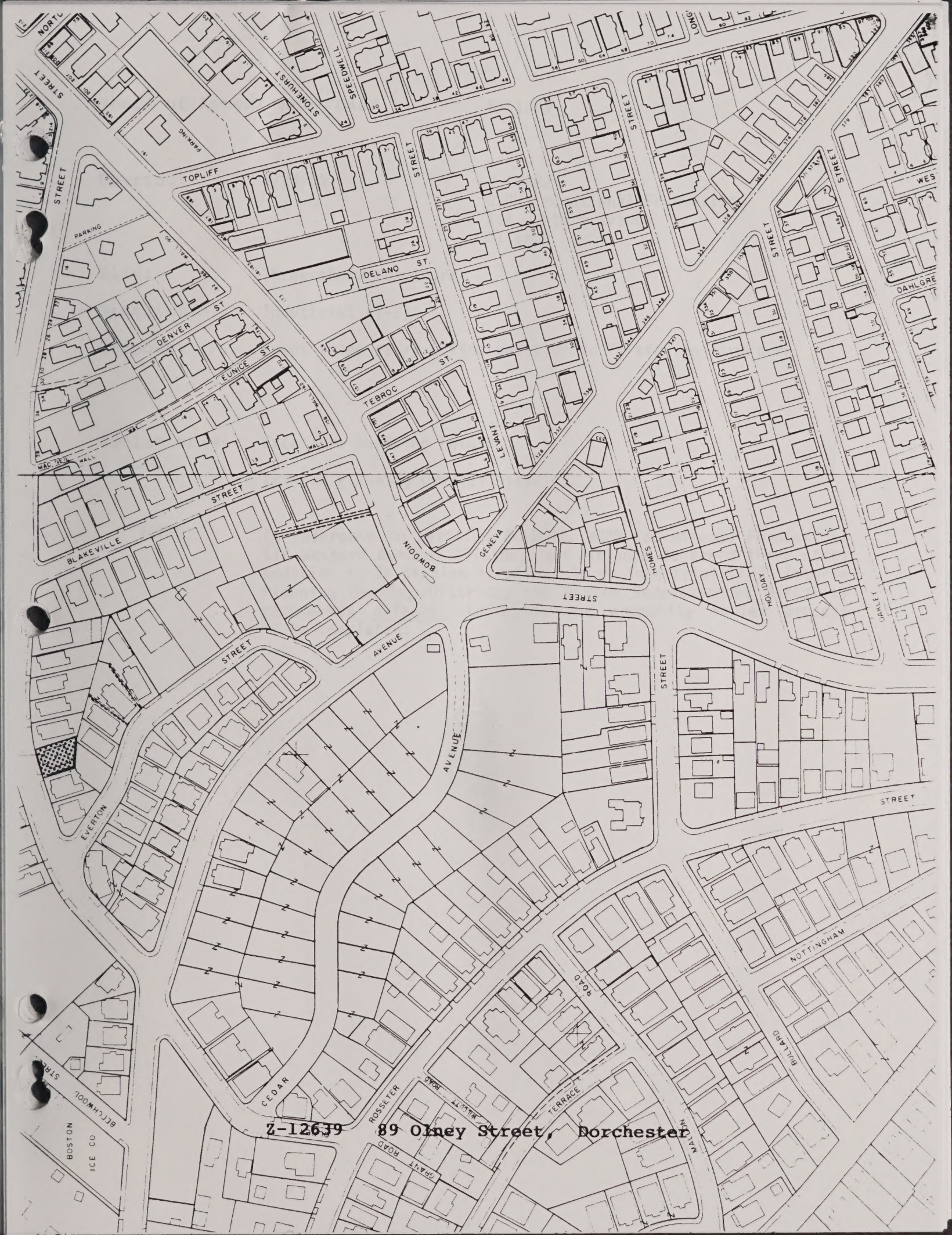
Site: Three Story Structure

District(s): Residential, three family (R-.8)

Purpose: Extend apartment to basement

Violation(s): Excessive floor area ratio

VOTED: In reference to petition Z-12639, Rawani Moses, 84 Olney Street, Dorchester, for variance to extend apartment to basement in a residential (R-.8) district, the Boston Redevelopment Authority recommends approval with the following proviso: that adequate egress from basement be provided. Recreational space for tenant's children.



Z-12639

89 Olney Street, Dorchester

Board of Appeal Referrals

5/11/89

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Hearing: 5/23/89

Z-12692
WGBH Educational Foundation
114 Western Avenue
Allston

Site: Three-story structure

District(s): Industrial (I-2)

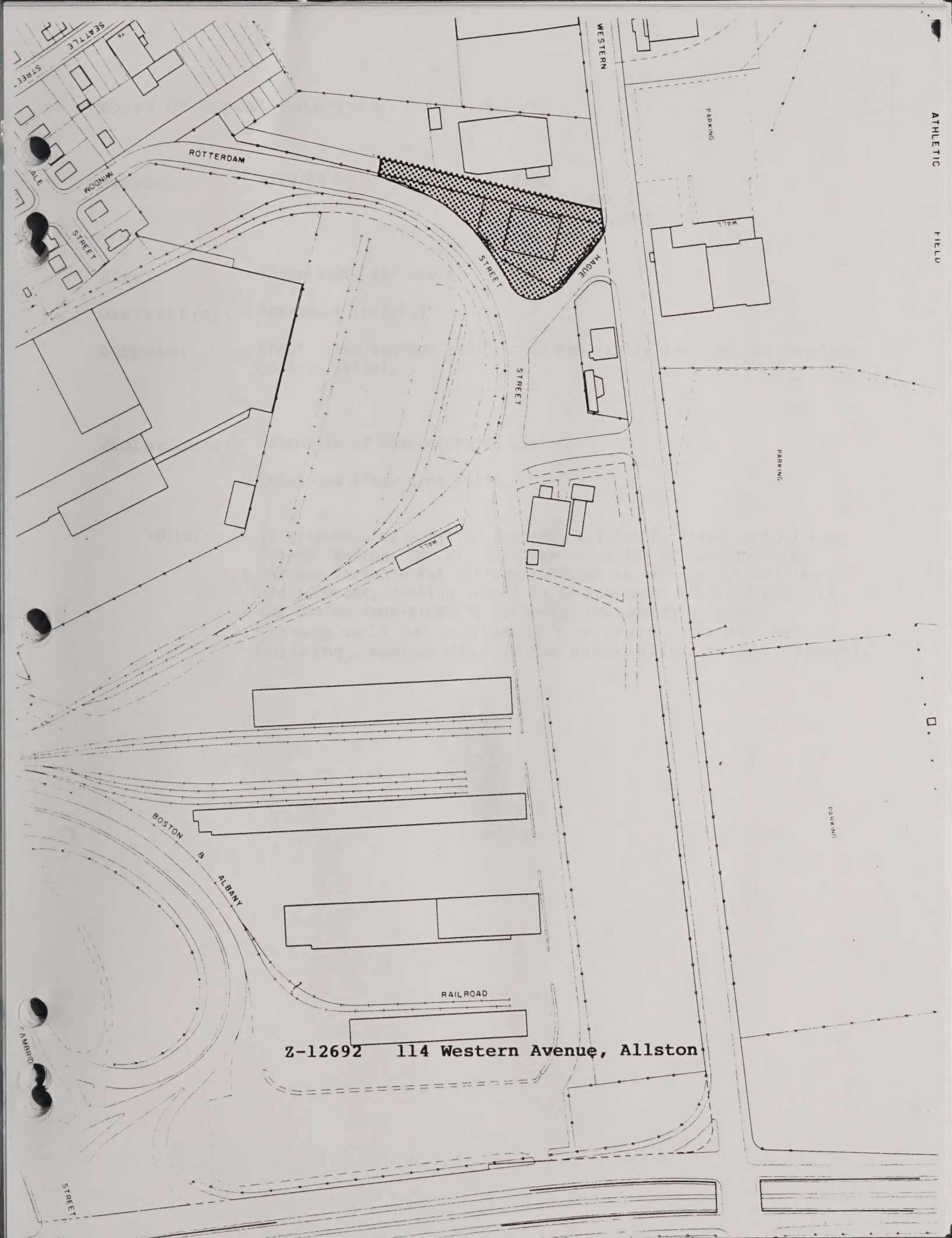
Purpose: Erect three-story office addition to TV station structure.

Violation(s): Excessive building height.

Interim Planning Overlay District.

VOTED:

In reference to petition Z-12692, WGBH Educational Foundation, 114 Western Avenue, Allston, for variance to erect three-story addition to TV station structure in an industrial (I-2) Interim Planning Overlay District, the Boston Redevelopment Authority recommends deferral to allow the community review process to be completed.



Board of Appeal Referrals

5/11/89

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Hearing: 5/23/89

Z-12698
William F. Yates
8 Louisburg Square
Boston

Site: Three-story structure

District(s): Apartment (H-2-65)

Purpose: Erect glass sunroom addition to one-family dwelling and accessory cooking school.

Violation(s): Extension of nonconforming use.

Excessive floor area ratio.

VOTED: In reference to petition Z-12698, William F. Yates, 8 Louisburg Square, Boston, for variance for extension of nonconforming use and variance for sunroom addition to one-family dwelling and accessory cooking school in an apartment (H-2-65) district, the Boston Redevelopment Authority recommends approval. Sunroom will be located in Courtyard area at rear of building. Beacon Hill Civic Association is not opposed.



Z-12698 8 Louisburg Square, Boston

Board of Appeal Referrals

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Hearing: 5/23/89

Z-12709

Joseph A. Grigalus
411 East Third Street
South Boston

Site: 2½-story structure

District(s): Apartment (H-1-50)

Purpose: Legalize occupancy as two-family dwelling.

Violation(s): Dwelling converted for more families is forbidden use.

Insufficient lot area and open space.

VOTED: In reference to petition Z-12709, Joseph A. Grigalus, 411 East Third Street, South Boston, for forbidden use and two variances to legalize occupancy as two-family dwelling in an apartment (H-1-50) district, the Boston Redevelopment Authority recommends deferral. Appellant should meet with Authority and community to address use of attic and basement and lack of off street parking. No record of legal occupancy. Appellant should also present evidence of use of the 2½-Story structure as a two-family dwelling.



East Third Street, South Boston

z-12709

Board of Appeal Referrals 5/11/89

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Hearing: 5/30/89 Z-12713
Winnifred A. Frazer
7 Blue Hill Avenue
Roxbury

Site: One story structure

District(s): Local business (L-1)

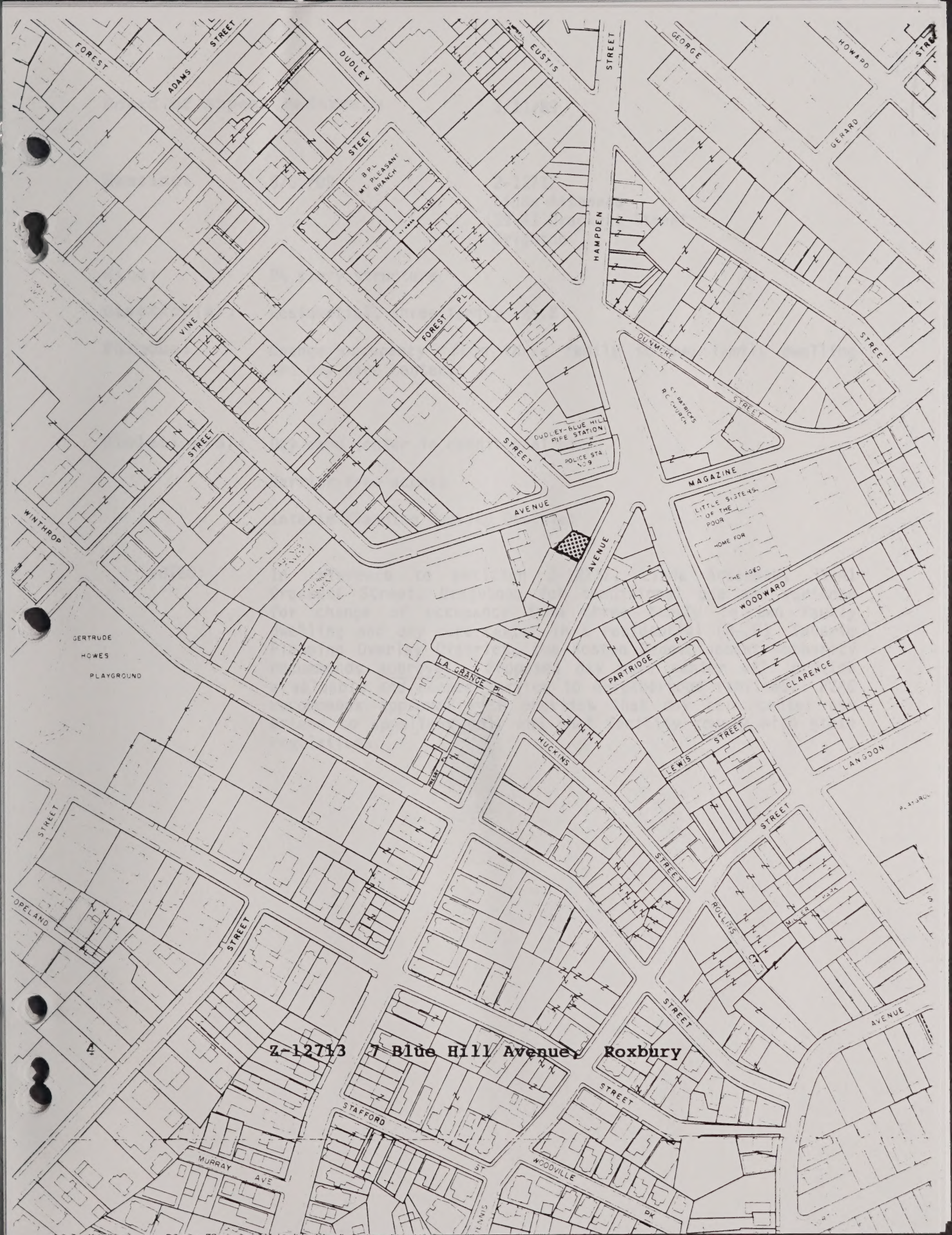
Purpose: Change occupancy from two car garage, sale of used cars to three retail stores; raise roof four feet

Violation(s): Insufficient front, rear yards, off street parking.

Barrier free access.

Interim Planning Overlay District.

VOTED: In reference to petition Z-12713, Winnifred A Frazer, 7 Blue Hill Avenue, Roxbury, for four variances for change of occupancy from two car garage and sale of used cars to three retail stores and raise roof four feet in a local business (L-1) Interim Planning Overlay District, the Boston Redevelopment Authority recommends, approval with proviso that the project undergo site plan review as specified in the Roxbury IPOD Boulevard Planning District guidelines. The property is located along a Boulevard Planning District in the Mt. Pleasant subdistrict of the Roxbury Interim Planning Overlay District. The proposed change of occuparcy for local retail uses is compatible with the goals and objectives of the Roxbury IPOD and the Blue Hill Avenue BPD. The building is part of a series of one story commercial storefronts located at the beginning of Blue Hill Avenue adjacent to Dudley Street. This proposal is one of three projects to be undertaken at 7-17 Blue Hill Avenue. The Appellants have presented the projects to the local community and the Roxbury Neighborhood Council who have reviewed the plans and voted to support these proposals.



2-12713 7 Blue Hill Avenue Roxbury

Board of Appeal Referrals

5/11/89

Hearing: 5/30/89

Z-12717
Linda Arseneau
39-41 Brackett Street
Brighton

Site: 2½ story structure

District(s): Residential, three family (R-.8)

Purpose: Change occupancy from three family to two family dwelling and day care center.

Violation(s): Day care center is conditional use

Barrier-free access

Interim Planning Overlay District

VOTED:

In reference to petition Z-12717, Linda Arseneau, 39-41 Brackett Street, Brighton, for conditional use and variance for change of occupancy from three family to two family dwelling and day care center in a residential (R-.8) Interim Planning Overlay District, the Boston Redevelopment Authority recommends approval. Proposed day care center will provide a valuable and needed service to neighborhood families. PZAC recommends approval with provisos that day care center use extend to appellant only and that facility comply with state regulations.



Z-12717 39 Brackett Street, Brighton

Board of Appeal Referrals

5/11/89

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Hearing: 5/30/89

Z-12722
Dennis J. Murphy
225-229 Gold Street
South Boston

Site: Vacant land

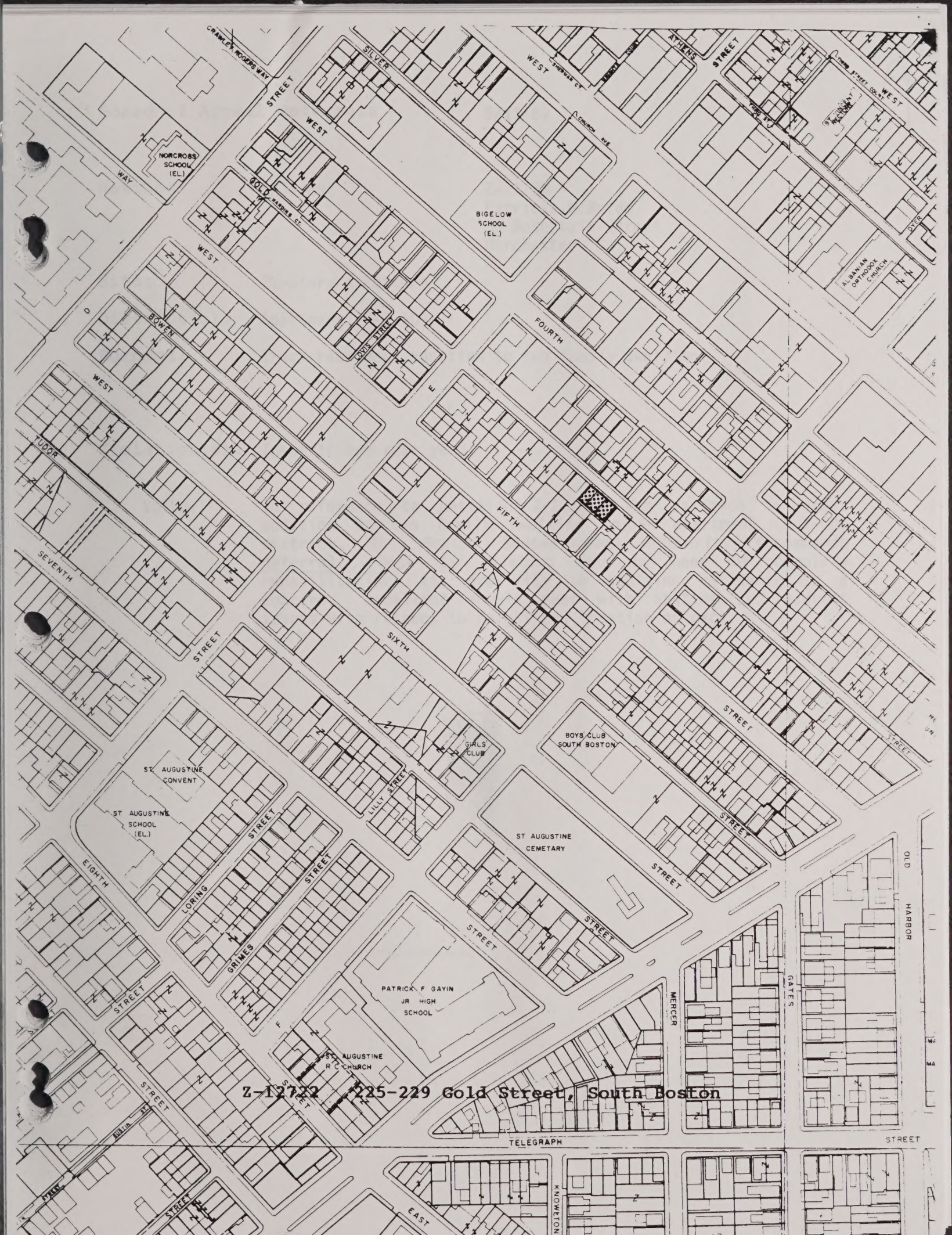
District(s): Apartment (H-1-50)

Purpose: Erect three family dwelling

Violation(s): Insufficient lot area, open space, front, rear yards, off street parking.

Excessive floor area ratio.

VOTED: In reference to petition Z-12722, for seven variances to erect a three family dwelling in an apartment (H-1-50) district, the Boston Redevelopment Authority recommends denial without prejudice. Proposal involves a two story modular structure containing three two bedroom duplexes on 2053 square feet of vacant land. Development would cover approximately 1248 square feet of the lot and along with the deficiency of off street parking on this narrow one street would create adverse impacts on this densely populated area.



Z-12722 225-229 Gold Street, South Boston

Board of Appeal Referrals

5/11/89

Hearing: 5/30/89

Z-12723
Patricia McBride
53 Roseclaire Street
Dorchester

Site: 2½-Story structure

District(s): Apartment (H-1-50)

Purpose: Erect rear deck addition to two family dwelling

Violation(s): Insufficient rear yard

VOTED: In reference to petition Z-12723, for variance to erect addition to two family dwelling in an apartment (H-1-50) district, the Boston Redevelopment Authority recommends deferral. Deck is existing and in need of complete rehabilitation; its proximity to abutting residence is a concern. Appellant should meet with abuttor and address issues with respect to height and location of deck.



2-12723 53 Roseclaire Street, Dorchester

Board of Appeal Referrals

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Hearing: 5/30/89

Z-12724
David Burns
1283 Hyde Park Avenue
Hyde Park

Site: One Story Structure

District(s): General Business (B-1)

Purpose: Change occupancy from shoe repair to retail store

Violation(s): Barrier free access

VOTED: In reference to petition Z-12724, David Burns, 1283 Hyde Park Avenue, Hyde Park for variance for change of occupancy from shoe repair to retail store in a general business (B-1) district, the Boston Redevelopment Authority recommends approval. Ramp has been provided at entrance to satisfy barrier free access requirements.



7-12724

1283 Hyde Park Avenue, Hyde Park

Board of Appeal Referrals

5/11/89

Hearing: 5/30/89

Z-12725

Arnold Mason

153-157A Massachusetts Avenue

Boston

Site: Four story structure

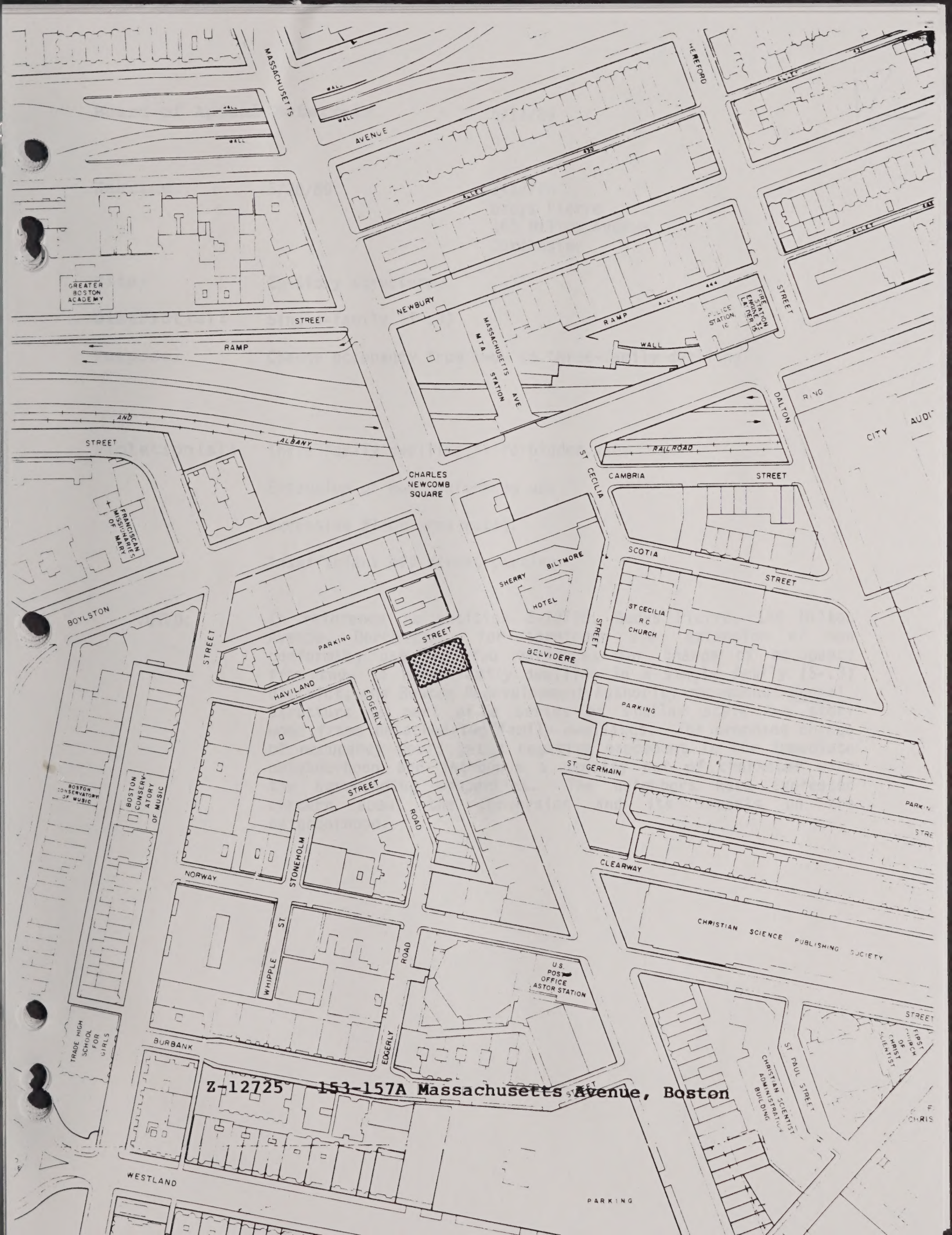
District(s): General business (B-2)

Purpose: Change occupancy from restaurant lounge, stores, offices to same and take out restaurant.

Violation(s): Take out restaurant is conditional use.

VOTED:

In reference to petition Z-12725, Arnold Mason, 153-157A Massachusetts Avenue, Boston, for conditional use for change of occupancy from restaurant lounge, stores, offices to same and take out restaurant in a general business (B-2) district, the Boston Redevelopment Authority recommends denial. Proposed McDonalds restaurant would abut an existing fast food operation resulting in undesirable concentration. Excessive litter, double parking and late night activity would be potential problems. Fenway neighborhood associations (CIVIC, CDC, STOP) are opposed.



Z-12725 153-157A Massachusetts Avenue, Boston

Board of Appeal Referrals

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Hearing: 5/30/89 Z-12728
Gadys Pierre
165 Milton Avenue
Dorchester

Site: 2½-Story structure

District(s): Single-family (S-.3)

Purpose: Change occupancy from two- to three-family dwelling

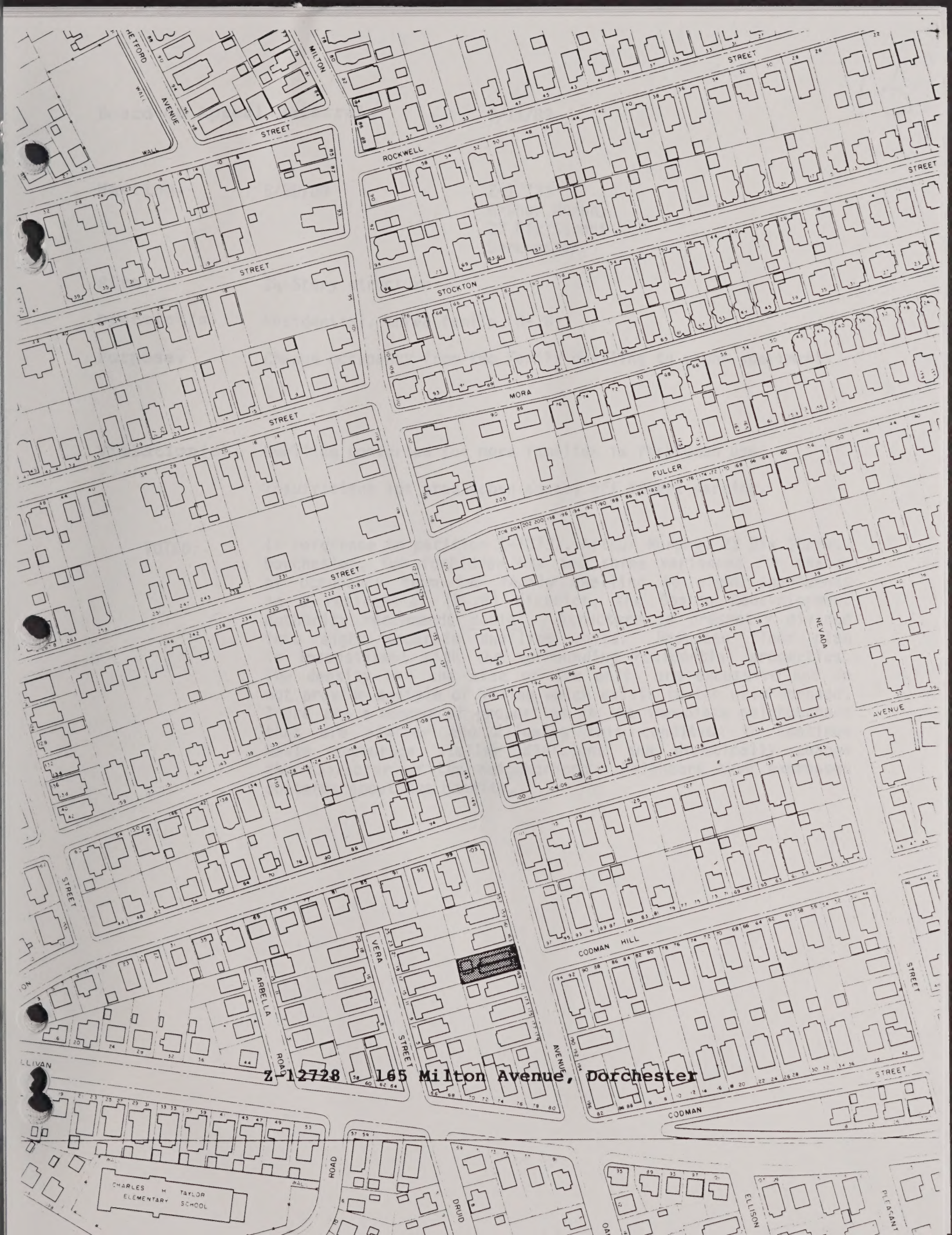
Violation(s): Three family dwelling is forbidden use.

Extension of non conforming use

Excessive floor area ratio.

Insufficient off street parking.

VOTED: In reference to petition Z-12728, Gadys Pierre, 165 Milton Avenue, Dorchester, for forbidden use, extension of non conforming use and two variances for change of occupancy from two- to three-family dwelling in a single family (S-.3) district, the Boston Redevelopment Authority recommends denial. Structure is part of a series of similar style two story wood frame detached two family dwellings. The proposed change of occupancy would set a negative precedent in the immediate neighborhood and introduce a density out of character with the surrounding properties. The neighbors have expressed concern about the conversion and its impacts on the neighborhood.



Z-12728 165 Milton Avenue, Dorchester

Board of Appeal Referrals

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Hearing: 5/30/89

Z-12731
Arthur Murphy
23 Dix Street
Dorchester

Site: 2½-Story structure

District(s): Residential, three family (R-.8)

Purpose: Change occupancy from two family dwelling to eight apartments

Violation(s): Dwelling converted for more families is forbidden use.

Insufficient lot area, open space, off street parking.

VOTED:

In reference to petition Z-12731, Arthur Murphy, 23 Dix Street, Dorchester, for forbidden use and three variances for change of occupancy from two family dwelling to eight apartments in a residential (R-.8) district, the Boston Redevelopment Authority recommends denial. Structure is presently divided into eight separate dwelling units. Proposed floor plan is inconsistent with the surrounding residential properties. The density and the size of the units are excessive and do not provide a style of living which exists in the neighborhood. There are a number of properties in the immediate neighborhood that are similar and allowing this condition to continue would encourage similar divisions and dramatically change the character of the neighborhood. Neighbors have expressed concerns about the density.



2-12731 23 Dix Street Dorchester

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Hearing: 5/30/89 Z-12733
James Goldstein
101 Greateon Road
West Roxbury

Site: 2½-Story structure

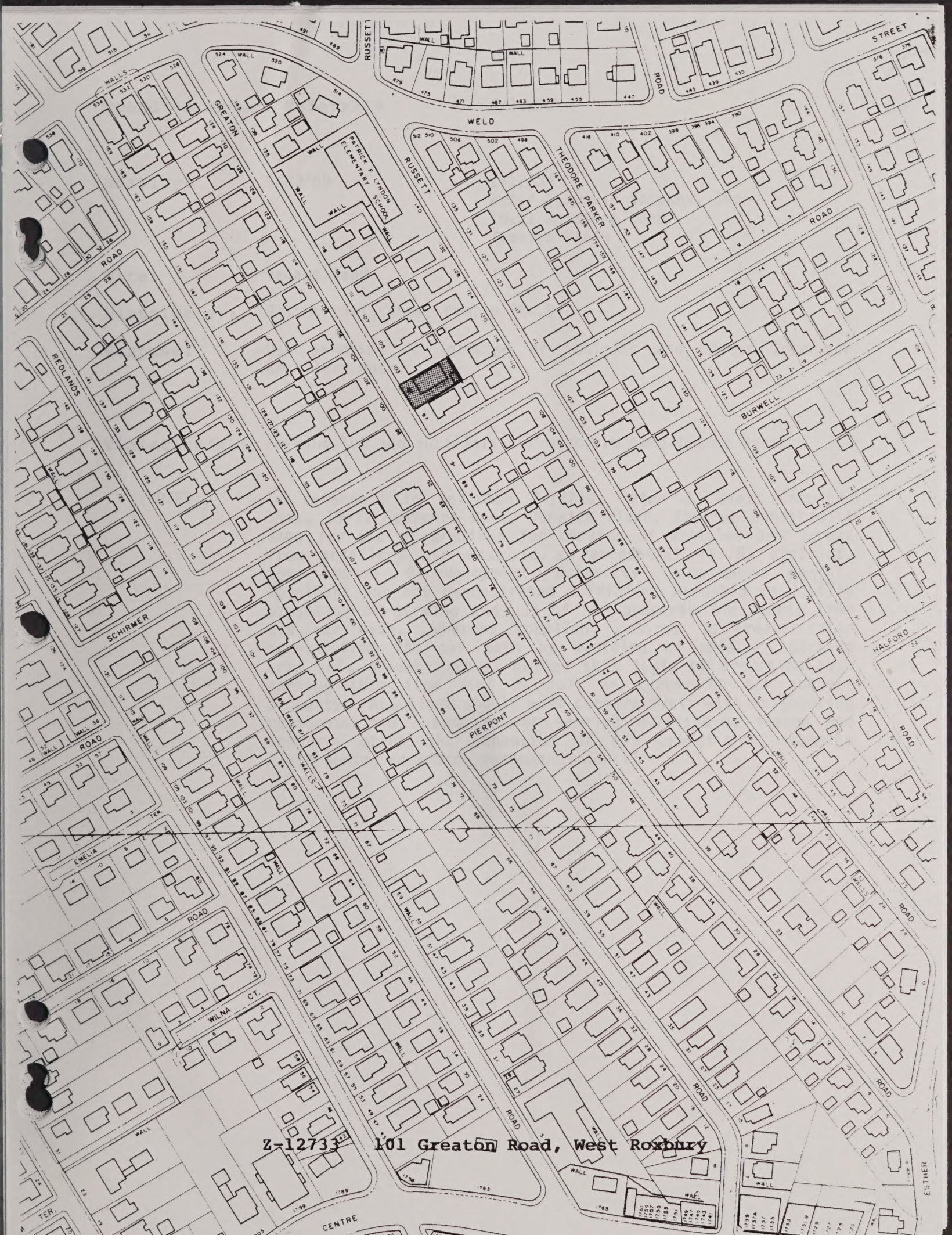
District(s): Single family (S-.5)

Purpose: Renovate attic for living space

Violation(s): Extension of non conforming use.

Excessive floor area ratio.

VOTED: In reference to petition Z-12733, James Goldstein, 101 Greateon Road, West Roxbury, for extension of non conforming use and variances to renovate attic for living space in a single family (S-.5) district, the Boston Redevelopment Authority recommends approval with proviso that property remain a two family dwelling. Existing business envelope will not be altered.



Z-12733

101 Greaton Road, West Roxbury

Board of Appeal Referrals

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Hearing: 5/23/89

Z-12734

Peter J. Janis Company, Inc.
19-21 Rossmore Road
Jamaica Plain

Site: Vacant land

District(s): Residential, three-family (R-.8)

Purpose: Use premises for parking of vehicles and egress from car ancillary wash.

Violation(s): Parking lot and ancillary car wash are conditional uses.

VOTED:

In reference to petition Z-12734, Peter J. Janis Company, Inc., 19-21 Rossmore Road, Jamaica Plain, for two conditional uses for use of premises for parking of vehicles and egress from ancillary car wash in a residential (R-.8) district, the Boston Redevelopment Authority recommends denial. Appellant has not demonstrated sufficient hardship to justify expansion of parking and use of the property for egress from his car wash. Whereas appellant desires to create safer egress from the car wash by avoiding an existing parking area, his present appeal defies this logic by proposing both parking (Use item #58) as well as egress on the subject property. Appellant should work cooperatively with neighboring residents and businesses to resolve outstanding issues and concerns about the expansion of his operations. Jamaica Plain Zoning committee recommends denial.



NEW ENGL
SINA
HOSPIT

ARBORWAY TERMINAL

M. T. A.
OFFICE BUILDING

CITY OF
P.W.D.
BOSTON
GARAGE

FRANKLIN

JAMES B. SHEA
CIRCLE

PARK

COVENANT
CONGREGATIONAL
CHURCH

WEST
OXBURY
R. HOUSE

7-12734 19-21 Rossmore Road, Jamaica Plain

Board of Appeal Referrals

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Hearing: 5/30/89

Z-12735

Sean F. Hughes
35 Woodward Street
South Boston

Site: Vacant land

District(s): Apartment (H-1-50)

Purpose: Erect six unit residential structure

Violation(s): Insufficient lot area, open space, corner traffic visibility, front yard

VOTED:

In reference to petition Z-12735, Sean F. Hughes, 35 Woodward Street, South Boston, for six variances to erect six unit residential structure in an apartment (H-1-50) district, the Boston Redevelopment Authority recommends denial without prejudice. The proposed three story structure would cover 2,016 square feet of the 5,439 square foot vacant corner lot.. Six Off-Street parking spaces are proposed. Concerns include density, height, lack of open/green space and on-site vehicular maneuverability. Petitioner has met with neighborhood residents who have expressed their opposition to the six-unit building while indicating that a four-unit dwelling of lesser height and mass would be more appropriate. After consideration of such facts as lot dimensions and location and existing densities and heights' Authority is of the opinion that a four-unit, 2 or 2½ story structure, would be more compatible in this area.



2-12735 35 Woodward Street, South Boston

Board of Appeal Referrals

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Hearing: 5/30/89

Z-12744
Boston Aging Concerns
Young and Old United, Inc.
186 Marlborough Street
Boston

Site: Four story structure

District(s): Apartment (H-3-65)

Purpose: Change occupancy from lodging house (21 lodgers) to nine apartments and lodging house (7 lodgers)

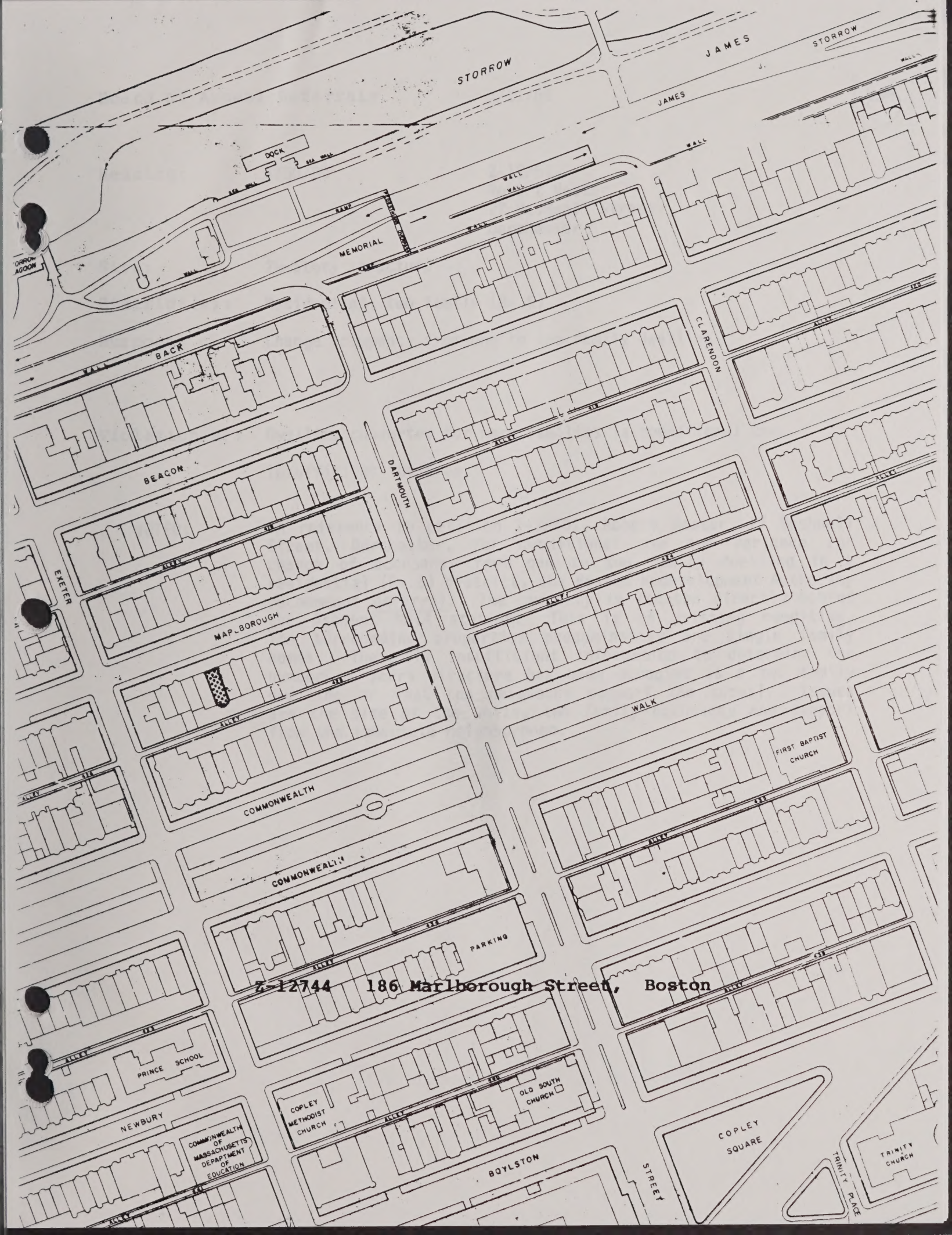
Violation(s): Lodging house is conditional use.

Insufficient off street parking.

Barrier free access.

Parking space design.

VOTED: In reference to petition Z-12744, Boston Aging Concerns, Young and Old United, Inc., 186 Marlborough Street, Boston, for conditional use and three variances for change of occupancy from lodging house (21 lodgers) to nine apartments and lodging house (seven lodgers) in an apartment (H-3-65) district, the Boston Redevelopment Authority recommends deferral until such time as the neighborhood groups have reviewed the proposal and submitted input.



2-12744 186 Marlborough Street, Boston

Board of Appeal Referrals

5/11/89

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Hearing: 5/30/89

Z-12751
Robert Nestor
27 Bushnell Street
Dorchester

Site: 2½-Story structure

District(s): Residential, two family (R-.5)

Purpose: Change occupancy from one to two family dwelling

Violation(s): Dwelling converted for more families is conditional use.
Insufficient lot area.

VOTED: In reference to petition Z-12751, Robert Nestor, 27 Bushnell Street, Dorchester, for conditional use and variance for change of occupancy from one to two family dwelling in a residential (R-.5) district, the Boston Redevelopment Authority recommends deferral. The property is located directly behind the Ashmont MBTA station. This is an existing condition. The surrounding properties predominantly are single family homes. There is insufficient information to determine the number of years structure has been occupied as a two family dwelling or that the neighbors support the appeal. Issues are the size of the units, two family occupancy and support from the immediate neighborhood.



Z-12751

27 Bushnell Street, Dorchester

Board of Appeal Referrals

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Hearing: 5/30/89 Z-12754
284 Newbury Inc.
284 Newbury Street
Boston

Site: Three-story structure

District(s): General business (B-3-65)

Purpose: Change occupancy from day care center to offices and restaurant; erect addition

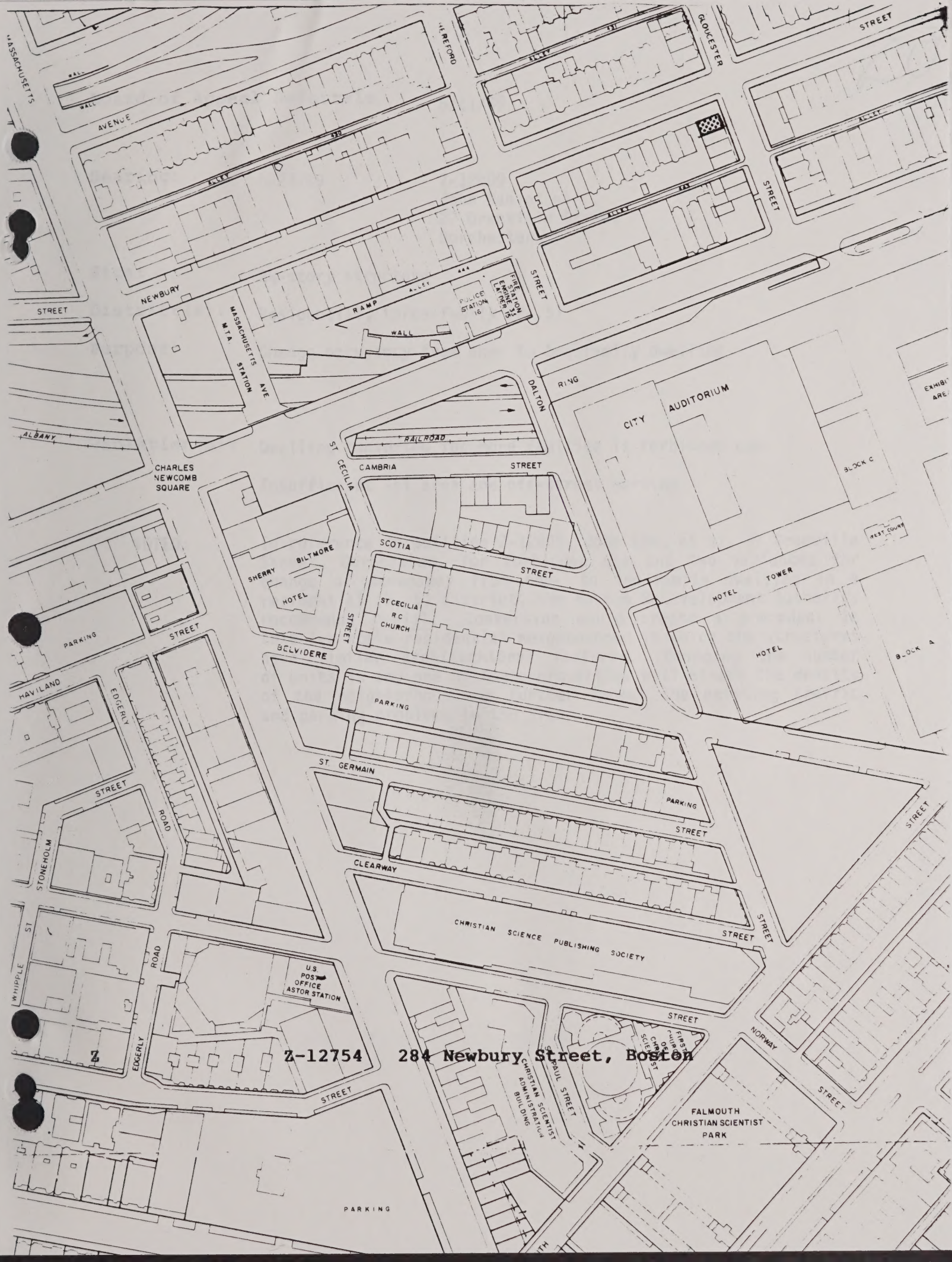
Violation(s): Restaurant is conditional use.

Excessive floor area ratio.

Insufficient front, rear yards.

Barrier free access.

VOTED: In reference to petition Z-12754, 284 Newbury Inc., 284 Newbury Street, Boston, for conditional use and four variances for change of occupancy from day care center to offices and restaurant and erect addition in a general business (B-3-65) district, the Boston Redevelopment Authority recommends deferral until such time as the appellant presents proposal to neighborhood groups for review and input.



Board of Appeal Referrals

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Hearing: 5/23/89 Z-12809
John Rae et al
27 Granville Street
Dorchester

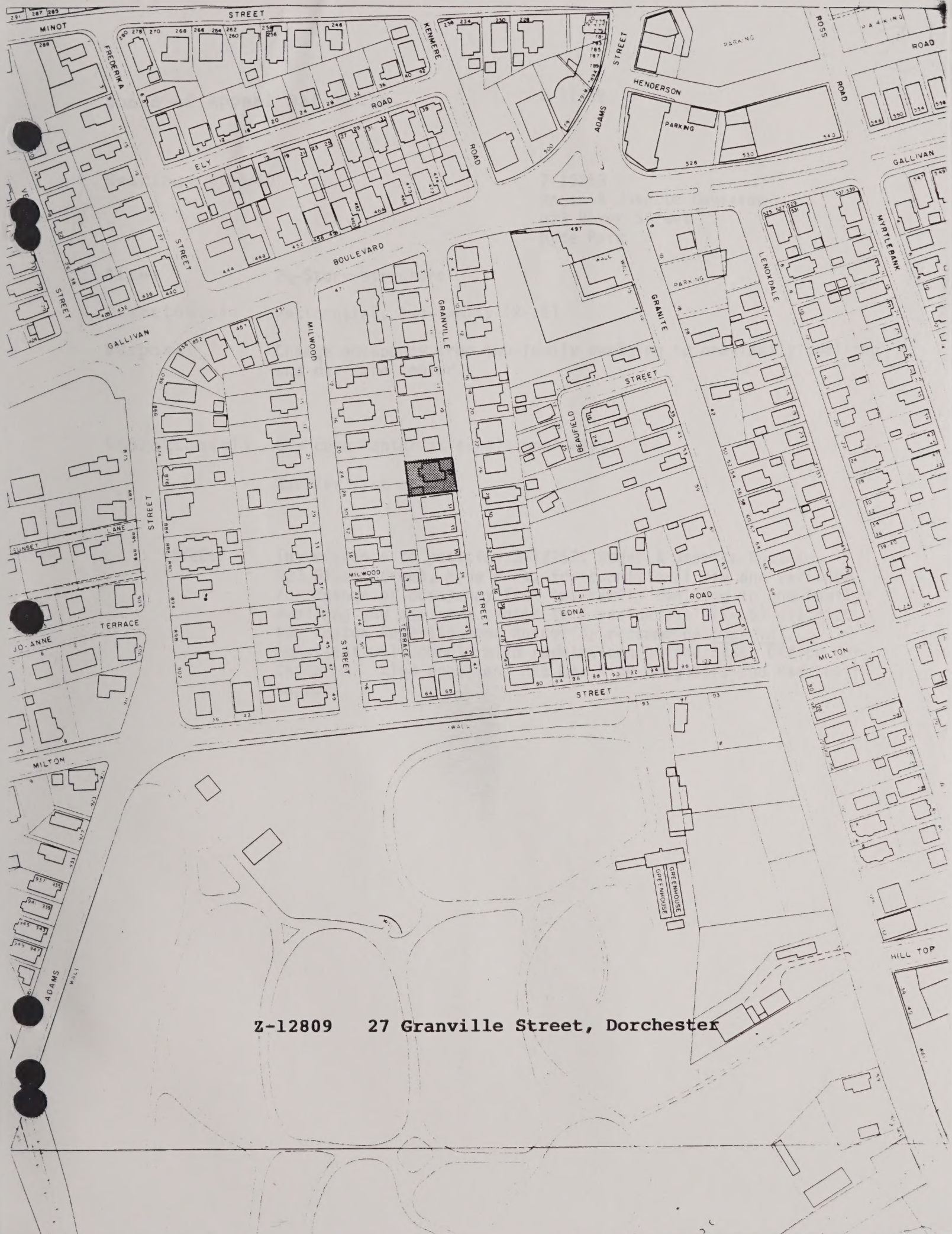
Site: 2½-story structure

District(s): Residential, three-family (R-.5)

Purpose: Change occupancy from one- to two-family dwelling

Violation(s): Dwelling converted for more families is forbidden use.
Insufficient lot area and off-street parking.

VOTED: In reference to petition Z-12809, John Rae, et al, 27 Granville Street, Dorchester, for forbidden use and two variances for change of occupancy from one- to two-family dwelling in a residential (R-.5) district, the Boston Redevelopment Authority recommends denial. Conversion would create a precedent in this low scale residential neighborhood in which the structures have similar architectural features. Changing the number of units in any one of these properties will affect the density of the neighborhood and further impact the existing traffic and parking problems in the area.



Z-12809 27 Granville Street, Dorchester

Board of Appeal Referrals

5/11/89

Hearing: 5/16/89

Z-12253
Roger & Josette Bousseau
823 River Street
Hyde Park

Site: 2½-Story structure

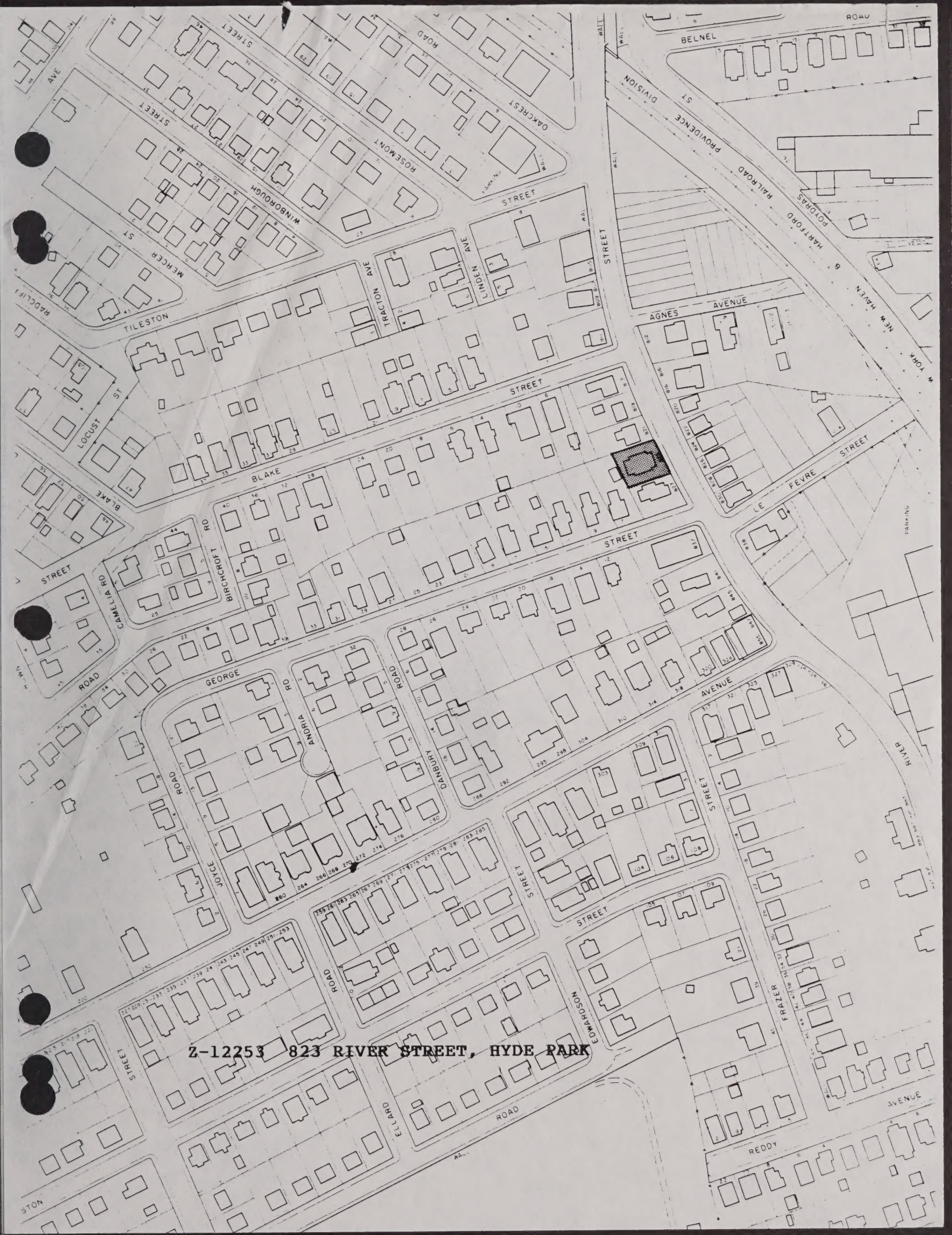
District(s): Residential, two-family (R-.5)

Purpose: Change occupancy from two-family dwelling to one-family dwelling and day care center.

Violation(s): Day care center is conditional use.

Barrier free access.

VOTED: In reference to petition Z-12253, Roger & Josette Bousseau, 823 River Street, Hyde Park, for conditional use and variance for change of occupancy from two-family dwelling to one-family dwelling and day care center in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval. Appellant will comply with regulations of the State Office for Children. Also appellant has met with neighbors and has their support.



Z-12253 823 RIVER STREET, HYDE PARK

